



STATE OF NEW MEXICO  
**Human Services Department**  
**Governor Michelle Lujan Grisham**  
David R. Scrase, M.D., Cabinet Secretary  
Angela Medrano, Deputy Cabinet Secretary  
Kari Armijo, Deputy Cabinet Secretary

March 25, 2020

Dwight Crudup Regional  
Director  
Southwest Region US DA/FNS  
110 Commerce Street, Room 5-C- 30  
Dallas, Texas 75242

Subject: Student Eligibility

Dear Mr. Crudup:

Due to the COVID-19, a declared health emergency in New Mexico mandates closures or reduced services of many casinos, restaurants, bars, and entertainment and recreational facilities, etc. across the state. Many of our SNAP eligible students are being negatively impacted and will experience food insecurity due to being laid off or having a reduction of employment hours making it impossible to meet the 20 hour a week employment requirement mandated by federal regulation. During this time, it is virtually impossible for students to participate in employment and training programs or be placed into work study. Due to the evolving situation, New Mexico recognizes the need to relax eligibility requirements for this SNAP population to be able to provide SANP assistance to those students impacted by the declared health emergency.

If additional information is needed, your staff may contact Gavino Archuleta, SNAP Program Manager, at 505-827-7244 or via e-mail at [Gavino.Archuleta@state.nm.us](mailto:Gavino.Archuleta@state.nm.us).

Thank you for your assistance in processing this request.

A handwritten signature in black ink that reads "Karmela Martinez".

Karmela Martinez, Division Director  
New Mexico Human Services Department  
Income Support Division

## **WAIVER REQUEST Student Eligibility**

1. **Type of Request:** Initial
2. **Primary Citation:** Section 6(e) of the Food and Nutrition Act of 2008, as amended
3. **Secondary Regulation Citation:** 7 CFR 273.5 (a)
4. **State:** New Mexico
5. **FNS Region:** SWRO
6. **Act and Regulatory Requirements:** Section 6(e) of the Food and Nutrition Act of 2008 and Federal regulation at 7 CFR 273.5(a) states that an individual who is enrolled at least half-time in an institution of higher education shall be ineligible to participate in SNAP unless the individual meets certain exemptions.
7. **Proposed Alternative Procedures:** New Mexico is requesting a waiver of the Federal regulation at 7 CFR 273.5(a) to allow students of higher education who are impacted by the restrictions caused by the declared public health emergency due to COVID-19, to qualify for SNAP benefits regardless of exemption or employment status. This will apply to current and new SNAP eligible students; if the student would otherwise be eligible for SNAP and does not meet an exemption or has been laid off or had a reduction of hours since the declared public health emergency on March 12, 2020, will have these waived regulations applied. The student will not be required to meet any of the exemptions in 7 CFR 273.5(b).

New Mexico will re-evaluate the student's eligibility at the next interim report or recertification, whichever is earlier, after the declared public health emergency has ceased.
8. **Justification for Request:** Due to the COVID-19, a declared public health emergency in New Mexico mandates closures or reduced services of many schools, businesses and employers, such as, casinos, restaurants, bars, and entertainment and recreational facilities, etc. across the state. Many of our SNAP eligible students are being negatively impacted and will experience food insecurity due to being laid off or having a reduction of employment hours making it impossible to meet the 20 hour a week employment requirement mandated by federal regulation. During this time, it is virtually impossible for the student to participate in employment and training programs or obtain work study due school closures. Due to the evolving situation, New Mexico recognizes the need to relax eligibility requirements for this SNAP population to be able to provide SANP assistance to those students impacted by the declared public health emergency.
9. **Anticipated Impact on Households:** SNAP eligible students who have lost employment or have had their employment hours reduced due to the declared public health emergency will maintain SNAP eligibility despite their employment status. This will also apply to those student who are unable to participate in employment and training programs or gain work study. This is crucial to reduce food insecurities. When students report a change in their employment status due to the declared public health emergency, New Mexico will ensure students remain eligible to assist in reducing food insecurity during this time of need.

10. **Affected Caseload:** Active SNAP eligible students that are eligible due to working 20 hours per week, averaged, who are temporarily laid off or have had their hours reduced making it impossible to meet the 20 hours per week of employment.

Due to waiving the employment requirement for students, the number of SNAP eligible students could increase. However, these students are not currently eligible, and therefore this amount is unknown.

11. **Anticipated Implementation Date:** New Mexico anticipates implementation of the waiver requirements immediately upon approval to avoid lapse in eligibility for SNAP eligible students that have been out of work as of March 12, 2020 as a result of the Governors declared public health emergency requiring closure or reduction of services of many various restaurants, bars, and facilities, etc.in the state.

New Mexico will provide proper guidance and training to all staff to ensure that SNAP eligible students do not lose SNAP eligibility or incorrectly get denied for reasons within this waiver. Staff will also receive guidance about evaluation of student eligibility for these cases at their next interim report or recertification, whichever is earlier, after the declared public health emergency has ceased.

12. **Proposed Quality Control Procedures:** This waiver request and proposed alternative procedures do not affect quality control sampling or procedures.

13. **Signature and Title of Requesting Official:**

A handwritten signature in black ink that reads "Karmela Martinez". The signature is written in a cursive, flowing style.

Karmela Martinez, Director, New Mexico Department of Human Services  
**Email for transmission of response:** [Karmela.Martinez@state.nm.us](mailto:Karmela.Martinez@state.nm.us)

14. **Date of Request:** March 23, 2020